IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 5542 of 2007(I)

PETITIONER:

M.K.MOHANAN, HEALTH SUPERVISOR,
COMMUNITY HEALTH CENTRE, KALADY (NOW UNDER SUSPENSION).

BY ADV. SRI.P.RAVINDRAN
SRI.HARIKRISHNAN RAVINDRAN

RESPONDENTS:
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1. DISTRICT MEDICAL OFFICER OF HEALTH, ERNAKULAM.

2. DIRECTOR OF HEALTH SERVICE, THIRUVANANTHAPURAM.

3. T.R.SREELATHA, JR.PUBLIC HEALTH NURSE, PHC, KAKKANAD.

R1 TO 2 BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 5542 OF 2007

Dated this the 26th February, 2007.

JUDGMENT

The challenge is to Ext.P1 order passed by the first respondent placing the petitioner under suspension while he was working as Health Supervisor. Pursuant to a crime case registered against him, he was arrested by the police and subsequently released on bail. The allegation is that he used abusive and threatening words against one Smt.Sreelatha who complained about physical harassment also.

2. The petitioner has invoked the statutory remedy by filing appeal against Ext.P1 order. Ext.P2 is the copy of the appeal memorandum addressed to the Director of Health Services. It is contended that the allegations against the petitioner are false and that there is no justification to keep him under suspension. He has requested to cancel the suspension order and to reinstate him in service.

3. I have heard counsel for the petitioner and Govt. Pleader for respondents 1 and 2. In the nature of the order I propose to pass, notice need not be issued to the third respondent.

4. The second respondent has got a statutory duty to consider Ext.P2 on merits and pass orders in accordance

with law. Since the petitioner is under suspension early orders shall be passed on Ext.P2.

5. Hence the writ petition is disposed of directing the second respondent to consider Ext.P2 on merits and to pass orders in accordance with law as early as possible, in any event, within one month from the date of receipt of a copy of the judgment.

The petitioner shall produce a copy of the judgment and copy of the writ petition before the second respondent for compliance.

K.K.DENESAN
Judge

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